

**Board of Selectmen
Meeting Minutes
March 22, 2012**

Attendees:

First Selectman Clay Cope
Chris Jellen, Selectman

Andrea O'Connor, Selectman

I. Call to Order

First Selectman Clay Cope called the meeting to order at 7:00 p.m. at Mallory Town Hall.

II. Pledge of Allegiance

III. Approval of Minutes

- a. Regular meeting of February 23, 2012: Selectman O'Connor moves to approve, Selectman Jellen seconds, all in favor. Selectman O'Connor suggests that individuals be better identified in future records, for clarification purposes.
- b. Special meeting of February 29, 2012: Selectman Jellen moves to approve, Selectman O'Connor seconds, all in favor.
- c. Special meeting of March 2, 2012: Selectman Jellen moves to approve, Selectman Jellen seconds, all in favor.
- d. Budget meeting of March 3, 2012: Selectman Jellen moves to approve, Selectman O'Connor seconds, all in favor.

IV. Correspondence

First Selectman Clay Cope relays the following items of correspondence:

- A. A letter from the Sherman Girl Scouts thanking all three Selectmen for the proclamation.
- B. A letter from the Housatonic Valley Council of Elected Officials recognizing the appointment of Selectman Jellen as the alternate for First Selectman Cope.
- C. A newsletter from CT Medical Assistance Program Department of Social Services regarding antimicrobial resistance.
- D. A letter of notification from the YMCA of Western CT regarding their annual meeting.
- E. An invitation letter addressed to First Selectman Cope for fundraising for robots and beyond.
- F. A letter from Danbury Regional Child Advocacy Center.

- G. A letter from the Western CT Convention and Visitors Bureau.
- H. A letter regarding the regular meeting of Candlewood Lake Authority.
- I. A letter from CIRMA – risk management letter, regarding their Board of Directors.
- J. A letter from CCM - day on the hill postponed from March until April
- K. A letter from Roledge Pond Aquaculture about a fishing derby.
- L. A letter of invitation from the Department of the Army regarding the May 18th, 2012 Army 63rd luncheon.
- M. Connection Incorporated Annual Report.

V. Public Comment

Henry Specter of Brinsmade Lane expresses his thoughts on First Selectman Cope's comment on lack of civility in the Citizen's News. Mr. Specter believes there is a difference between political back and forth and civility, and he would like to know what First Selectman Cope means by his comment. First Selectman Cope says that the public comment portion of the Board of Selectmen meeting is not to open up dialogue with the public, but to listen to the public.

VI. Old Business

A. Progress report on Town projects:

1. Emergency Services Facility Project: Petrocelli architects report the PTAC units arrived yesterday, bids received for water system, repairs to the wainscoting are ongoing by Merit, new flagpoles erected, upgraded and added an additional streetlight from CL&P – that work has been completed. Installation of ductwork in north attic is complete, work in the south attic is 90% complete and ongoing by DEPPCO. Lower level temperature controls are 85% complete, upper level temperature controls 35% complete, temporary domestic hot water operational, heating in the boiler room 95% complete, submittal for the fire transfer switch has been received and is under review, Town is finalizing pumping arrangements for the oily water tank, the bonding company has made payments to DEPPCO and Allstate Fire Protection Contractor, the interior and exterior railings have been delivered and installed, installation of HVAC and duct work ongoing, water softening equipment has been delivered. Selectman O'Connor says the adjustments to the street lights were intended to provide better illumination for the firemen at night for key access, and she wonders if they actually work. First Selectman Cope says he will mention this at the meeting tomorrow, and he will check on this. He notes that the firehouse is lit almost all of the time. Selectman O'Connor is concerned about when the project will be completed, and she would like some reassurance as to when this will be done. She suggests First Selectman

Cope arrange a meeting with the Selectmen, Town Attorney Jeff Sienkiewicz, and the Fire Chief, to see where things are at in terms of getting the job done. She thinks the firemen would appreciate this effort. First Selectman Cope comments that the bonding company has already released \$300,000 (he believes). Jeff Sienkiewicz can't confirm the number, but he knows it is a big number that was released. Jeff Sienkiewicz has put calls through to the bonding company, and he spoke with Merit's attorney. He is still waiting for the bonding attorney to call back. Jeff Sienkiewicz is not sure if a meeting as suggested by Selectman O'Connor would reassure the firemen one way or the other. First Selectman Cope states that Fire Chief Bob Accosta and David Raines attend the Friday meetings. Jeff Sienkiewicz inquires as to when the next requisition is, and First Selectman Cope responds it is on Tuesday. Selectman Jellen requests that the Selectmen be notified of construction meetings and asks that they be copied on meeting minutes. Selectman O'Connor inquires if Dan Fox is still on the project. First Selectman Cope responds that Mr. Fox is not, since both Mike Crawford and First Selectman Cope are here everyday. He says this went through the Chairman of the Building Committee.

2. Sherman Library expansion project: Millie Loeb spoke on behalf of the library. She says their schematic drawings are complete, Enfield Builders presented schematic budget estimation. The construction phase of the project is within 4% of the Library target budget. Their budget includes Enfield's 2% contingency, and the Town's 15% contingency. The building plans will go out for public bids. On Feb. 22nd the CT State Library Construction Grants Administrator approved the proposed changes for the renovations. This past Tuesday inland wetlands approved the modifications. The Library is on the upcoming agendas for both P&Z and the Historic Commission, and the anticipated start date is August.
3. Spring Lake Road paving project: Selectman Cope, Ron Cooper (Land Use Enforcement officer), Don Borkowski (Public Works), Joe Wren, and NJR (paving contractor) will meet on April 5th to review the project.
4. Fox Run detention basin: Land Use Enforcement Officer Ron Cooper says since the last update, they received stamped copies of the original plans that were used for the basin design, at the time Joe Zarecki was the acting engineer. Ron is now speaking with Paul Szymanski who will get back shortly. Ron also spoke with Chuck Lee of DEEP (the person assigned to oversee the STEAP grant). Ron says until Paul gets back to him, we are on hold. Ron did walk the site with Paul, and Paul did not anticipate any problems with the calculations or drawings that were submitted by Joe Zarecki.

a modified exhibit B

B. Discussion of Library Grant agreement: Town Attorney Jeff Sienkiewicz hands out what he believes is the final version of the grant agreement. He thinks the agreement is "ready to go" with the two changes he made to the agreement today. The first change is page 4, paragraph 4. The earlier draft had Town expenses up to 50,000 charged against the grant, he bumped that figure up to 75,000. The other change is the form of requisition, Exhibit A – the previous date was 2011, Jeff Sienkiewicz changed it to 2012. He received a call from Jack Horack (counsel), and he did not have a copy of the proposed changes given to the Selectman. Jack Horack didn't really have any comments on the agreement, and he did not call Jeff Sienkiewicz back, as of around 5:30 today. Jeff Sienkiewicz recommends to the board that they authorize him and First Selectman Cope to put together the final documents along with a separate mortgage deed and a promissory note. His idea is for the First Selectman to send all of these documents to the library association, and that they be given 45 days to act on it. Jeff Sienkiewicz also believes the Town should have some sort of certificate of title. He does not know if there is a mortgage on the property, and he thinks the Town should have that information.

Selectman Jellen inquires how that \$75,000 cap number was determined. Jeff Sienkiewicz says he originally pulled the \$50,000 number out of the air. Subsequently, First Selectman Cope spoke with bonding council, and bond costs were going to be more than \$50,000. First Selectman Cope refined the number, and they came up with \$75,000. Jeff Sienkiewicz explains the library wanted some sort of cap. Jeff Sienkiewicz says the Town will incur expenses on this, like the easement or applications to the land use board or other hypothetical costs. Selectman Jellen says First Selectman Cope forwarded an email from Barry Bernabe who cited bond cost to be between \$50-55,000 and if we were to go with a bond issue, that is approximately \$10,000 potentially \$65,000 right there. Selectman Jellen wants to make sure we are covered. Jeff Sienkiewicz comments we may not be fully covered, but we have to come to some term. Jeff Sienkiewicz does not know what Bill Jenks would charge on a project like that. Selectman O'Connor does not see the need for a cap. First Selectman Cope thinks the cap is fair. Selectman O'Connor thinks First Selectman Cope is conflicted on this issue. Selectman Jellen wonders why the library would object to them making the cap a little higher. Selectman O'Connor understands why the library desires to have a fixed figure that they can budget on. She says this has been a long negotiation, and the previous B.O.S. already came to a conclusion on this, and then First Selectman Cope decided to open this again. Selectman O'Connor moves that First Selectman Cope sign the documents once this is approved by the library. Selectman Jellen seconds, all in favor.

C. Cingular Wireless lease follow up: Jeff Sienkiewicz says when the Town bought Happy Acres, the silo was subject to a lease for cell tower purposes.

There have been a couple of amendments. When Selectman O'Connor was First Selectman, they submitted a third amendment to the lease. Meanwhile, they were going to P&Z to get necessary approvals to modify equipment. Jeff Sienkiewicz says you need a crystal ball to figure out what the rent should be. He wants the rent to start when they sign the lease. Jeff Sienkiewicz still has issues with paragraph 4 on the bottom of page 2, regarding emergency 911. Jeff Sienkiewicz does not understand what "mandated applications" are. He thinks this was too open. The compromise was adding language at the end "so long as the above modifications do not materially increase the wind loading or weight on the silo". Jeff Sienkiewicz is not 100% satisfied, but he is 85% satisfied. Jeff Sienkiewicz also notes a drawing change on the second page from the end, upper left-hand corner. There are some different notations there, some things that look like nuclear radiation symbols. There are two notes on this drawing, and there was only one on the prior drawing.

Jeff Sienkiewicz also wants to add some language about the Town getting some revenue if the property is subleased to some other carrier. He put a provision in that says the Town gets 40% of the revenue for any sublease. Jeff Sienkiewicz thinks First Selectman Cope can authorize the agreement on behalf of the Town, and forward it on to Cingular wireless. If approved, the agreement shall be executed in triplicate. Selectman O'Connor moves to authorize First Selectman Cope to sign the agreement, Selectman Jellen seconds, all in favor.

D. STEAP FY 2012 application status: Regarding the playhouse STEAP, First Selectman Cope notes the Historic District hired architect Charlie Reppenhegen to design the actual plan to make the best use of space and to make the two existing bathrooms A.D.A. compliant. He notes the plan includes a small bathroom for the cast and that a draft of the STEAP application will be available in his office. First Selectman Cope has received an estimate for the bathroom work of \$66,000 (includes a 5% contingency) and an estimate of \$5,600 for the septic. Selectman O'Connor asks when the STEAP application is due, and First Selectman Cope informs her he has spoken with O.P.M., and they do not have the updated form for applications this year up on their website yet.

E. Public Safety Communications follow up: Mr. David Hopkins of Woods Road, mentions that First Selectman Cope asked him about the T1 line. His understanding is this is scheduled to be completed by April 6th, thereafter LCD testing. Testing is basically to see with how good our communications within town are. At the last meeting, someone asked about grants, there are 3 to 4 different grants in Energy Management and Homeland Security at the state level that could possibly have money for such a project. Mr. Hopkins says they are beginning to follow up on those, although the initial reaction is not very encouraging.

F. Facilities Manager follow up: Selectman O'Connor presented an updated job description, and she does not want this topic to fall out of consideration. She mentions when she was on a firehouse walk-through 2 weeks ago, Glen Kiefer said how important it would be to have that facility properly managed. She thinks this position offers the town some real cost benefits over alternative means of managing our growing facilities, as we would have someone in place, rather than someone doing this as a side job. She notes there would be less delay in responses to situations. Selectman O'Connor mentions that the previous B.O.S. really worked on this because of the imminent firehouse project. She notes that the Town can also avoid some of the larger maintenance bills by having preventative maintenance. She believes it is important to consider the recommendation of the previous board on this. First Selectman Cope agrees, noting there are over 10 buildings in town and that there needs to be some overseeing of these jobs. Selectman O'Connor says the position can be advertised, agree on a salary level and a start date, and it can be managed on the Town's side. First Selectman Cope notes it was put in the budget, it is a needed position, and he supports the old B.O.S. on this. All in favor of moving this forward.

G. Business Associate's salary follow up: First Selectman Cope responds to Selectman O'Connor's inquiry from a previous meeting about where the additional funds for this salary would come from. First Selectman Cope mentions that the Town overpaid Mitchell bills from some time back by about 60 cents for several months, which comes to \$812.20. That money could be applied to extra hours for the Business Associate, and the balance comes from the miscellaneous line. The Business Associate requested \$24.00 per hour, and First Selectman Cope notes this figure was put in the budget. Selectman O'Connor thinks this will be a problem with next year's budget. Selectman Jellen thinks Selectman O'Connor makes a good point, as he thinks it is a significant adjustment that seems a little disproportionate. First Selectman Cope says it is an increase for an additional 12 hours. Selectman O'Connor asks if this is full-time, and First Selectman Cope believes it is, but he will check on this. Selectman O'Connor thinks this adds significant additional costs if it becomes full time before the next budget. Selectman O'Connor moves to increase the salary to \$22.50 per hour at 12 hours per week for the remainder of the fiscal year. Selectman Jellen seconds, all in favor.

H. Mental Health Advisory Board appointee: First Selectman Cope has a few candidates for this. He is impressed with Dr. Nancy Astor-White, a NY & CT licensed clinical psychologist and Cornell graduate who is from Sherman and has significant credentials. Selectman O'Connor agrees she is an excellent candidate, and moves to appoint her. Selectman Jellen seconds, all in favor.

VII. New Business

A. Approve tax refunds: Property \$9,457.98 – Selectman Jellen moves to approve, Selectman O'Connor seconds, all in favor. Motor Vehicle \$406.34 – Selectman O'Connor moves to approve, Selectman Jellen seconds, all in favor.

B. Public Works truck repair discussion: First Selectman Cope would like input on this whole issue, which stems from repair work done on the 1987 Ford for \$6,871.09. Public works supervisor says the Truck Committee approved this expense for \$7,000.00. First Selectman Cope is not sure where to charge this to. The current balance in the truck repair account is \$4,000.00. First Selectman Cope learned from Town Treasurer Eric Holub that purchase/lease of a new truck was approved at a Town Meeting, but there was no mention of approving a repair. According to Eric Holub, this repair work cannot be charged to Capital non-recurring, unless approved by Town Meeting. First Selectman Cope notes that the Town spent \$63,286 for the truck already purchased. Selectman O'Connor observes that this is a difficult situation. She says 2 different experts looked at these two vehicles and both advised against repair work. The committee also felt the trucks should not be repaired, that is why there were Town Meetings about purchasing new vehicles. Someone had repair work done on slim authority, because that is what he wanted to do. She thinks the only way to fix this is to go back to a Town Meeting. Selectman Jellen agrees with this, and he thinks it has to be made clear that repair work for this much money is not authorized. First Selectman Cope suggests including the Playhouse Lease at the Town Meeting, and Selectman O'Connor agrees it is more efficient to include multiple items at a Town Meeting.

C. Town Garage Convault Tank: First Selectman Cope would like input on this issue. He notes the capital non-recurring limit was approved 6/16/11 for \$50,000 and the actual cost came in at \$69,500. There is a bill due for \$62,550 and only \$43,050 can be charged to the capital non-recurring account because only \$50,000 has been approved. Selectman O'Connor says the previous B.O.S. made a decision to change tanks because the pipes were leaking for sure, and causing numerous repair costs. They were not sure if the tank itself was leaking. She notes that Frank Spaziani assisted with this, and they spoke with people for an estimate. These people estimated \$50,000 or less, and that figure went to a Town Meeting. When we bid, the company that gave the \$50,000 estimate did not bid, and all other bids came in over \$50,000. Selectman O'Connor notes that the previous B.O.S. felt it was important to move forward with the project, and take the remaining cost out of the maintenance line. She states that the Company that won the bid lost the only employee authorized to do this work. Rather than re-bid, the Town negotiated with Mitchell, who could do the job, in interests of time.

✓ at the same time with the bid while...

D. Traffic control signal plan proposal: Ron Cooper says the CT D.O.T. wants to reconfigure the intersection at Holiday Point/Brinsmade/Rt. 37, and the Town has received designs. D.O.T. wants to change the lights to LED's (brighter and larger in diameter) and put in a new control cabinet. There are concerns that people traveling west on 37 do not recognize the stop bar on the road. The D.O.T. proposes 3 additional light clusters at 37 E and Brinsmade, 2 facing 37E, one facing toward Brinsmade Lane. D.O.T. also wants to install two pedestrian lights, one south of the intersection and the other between Brinsmade & Jericho South. There would be push-button controls. Ron Copper mentions that both he and First Selectman Cope questioned the needs for pedestrian controls, and they were told this is recommended because the light is in a residential neighborhood. There have been 5 accidents at this intersection over the past 2 years, about average for a state road crossing (but we have much less traffic than other towns). Ron notes that the D.O.T. is going to want some change, not accept no change, and they want Town input. First Selectman Cope says they will bring this back to the April meeting, to see what the liability issues are if the Town proposes other changes contrary to what the D.O.T is recommending. Janet Hopkins inquires as to how many of the five accidents were pedestrian, as she suspects zero. Stan Greenbaum asks a question (inaudible on tape review), and Ron Cooper responds, saying there are loops buried in the asphalt.

E. Sherman Land Acquisition Fund Advisory Board (SLAFAB) representative from BOS: Selectman O'Connor says she would be interested in serving, as Selectman Jellen already serves on Naromi, and she thinks it has to be a different person. All in favor of Selectman O'Connor serving.

VIII. Selectman's Comments

First Selectman Cope will email the other selectmen regarding the Town Meeting. He notes the date of the upcoming April B.O.S. meeting needs to be changed, as he has a conflict on the previously scheduled Thursday.

Selectman O'Connor comments that generally, other items can be bundled and are in fact put on the Town Meeting agenda along with the budget.

Selectman O'Connor would like First Selectman Cope to consider the following three principles for further smooth B.O.S. functioning:

1. Communications – While she recognizes First Selectman Cope is new to the job and learning things, she says that she has been receiving things extraordinarily late for review prior to meetings – this includes the agenda and attachments. It would be more efficient if items were received more ahead of time in the future.

2. She is concerned that First Selectman Cope does not know the Freedom of Information Act, because he has said on a few occasions that he can't say some things to other Board members because of the Freedom of Information Act. She reminds him that the B.O.S. act as a board and that anything he is privy to the entire B.O.S. is privy to as well. She notes that the First Selectman acts on the authorization of the B.O.S., and this includes communications with the attorneys. Selectman O'Connor also feels that First Selectman Cope needs to give courtesy to the issues decided by the previous B.O.S. and their past deliberations. She feels it would smooth relationships if first Selectman Cope begins by asking about the decisions and rationales of the prior B.O.S.

3) Continuity – Selectman O'Conner says there were a number of policies that the previous B.O.S. worked very hard on, such as personnel policy. Under this policy, all positions are advertised, and all hiring/firing is to be done by the B.O.S., not just the First Selectman. She is not sure if the Board of Selectman Clerical Position was advertised. She also mentions financial policies like a quarterly review of our revenues and expenditures, to see the status of the budget. Until today, she has not been receiving the monthly printouts of expenditures. In the April meeting she would like to be looking at expenditures & revenues. She also advises about a policy on purchase orders - any purchases over \$100 need to be authorized by a department head. For public works that amount is \$200.

Selectman O'Connor also inquires as to why she was removed from the Town's email system without discussing this with her in advance. People are used to communicating with her via Town email. She says she is very offended that First Selectman Cope did this through other parties rather than talk to her in person. First Selectman Cope apologizes, and says they were trying to keep just one email per person, and that was the reason. Selectman O'Connor says she is a Town employee, she is allowed to have the email as a part-time employee, and she would like First Selectman Cope to ask Kathy (Retter) not to remove it.

Selectman Jellen echoes Selectman O'Connor's concerns about getting information in a more timely manner. Selectman Jellen also states he was somewhat offended when he read the commentary that the board was acting with a lack of civility. He does not think that a difference of opinion should be confused with incivility. He suggests that First Selectman Cope retract that statement. Selectman Jellen states he has been only respectful and it is inappropriate to say he has acted with a lack of civility. First Selectman Cope says he thinks there were unattractive exchanges during the budget meeting, and he wants to work together as a board, and he is asking to do the Town a great service by being respectful of one another. Selectman Jellen thinks First Selectman Cope's commentary misleads people to believe that this was the overall behavior of the board.

IX. Public Comment

Mr. David Hopkins comments on the public safety communications funding, and asks the B.O.S. if this might be on the agenda for the Town Meeting. Selectman O'Connor suggests moving this to the Town Meeting, she concurs this is an important step for the Town to take. David Hopkins also comments on the microphone arrangement at meetings, and he thinks it would be better if people addressing the B.O.S. did not have to do so with their backs to the audience.

Gary Albert asks why new poles are going up closer to the road on 39N. He mentions he was on the B.O.S. when the personnel policy was drafted, and he hopes that the board follows the policy. He also says it helps board members to receive material in advance

Rich Lenihan asks if the B.O.S. can send a copy of what they paid the attorney so far for the library. First Selectman Cope says that has already been sent. Rich also says they don't see contract edits, and to see the edits will help them understand where changes were made. Rich could not hear if the Town Attorney said he did not speak to the library attorney today. First Selectman Cope says Jeff Sienkiewicz said he did not speak to Jack Horak. Rich also inquires about the Hubbell Mountain Road water problem. Ron Cooper says there were infiltration trenches installed, design installation, and not maintenance. Paul Szymanski is coming up with these designs, which will stop the additional water.

George Linkletter asks if the Board took action to vote on the Business Associates Salary. A review of minutes shows no vote was taken, so a vote was taken and the result is noted above in G. Business Associate's Salary follow-up.

Christine Lent from the Library Board says the numbers in the grant contract do not add up to \$1 million dollars in how they will be paid, and she would like to know how this will be fixed. Selectman O'Connor says the original agreement had been for 1/3 and 1/3 – The Town was paying 1/3 of the construction costs, but the Town would advance more money in the beginning, because the state was not kicking in as timely. Christine understands this, but she still thinks that this does not make sense, because without clarification on this the library will not sign the agreement. First Selectman Cope says the agreement is being sent back to the library, based on the recommendations of Attorney Sienkiewicz. Joan Laucius asks if the Town can sign the agreement first, because the library has to have their board sign the agreement, and they have already asked them to meet and vote on one agreement that wound up getting changed. Selectman O'Connor says it does not work that way. Joan says that the library attorney did in fact speak directly with Town Attorney Sienkiewicz today, and got back to him via email. The library has issue with the fact that the agreement, note, and

mortgage deed are not consistent in the language in the event of a default. Also, the library wants something in the agreement on how they are to be notified in the event of a default. Joan also says the cap would help with the budget.

Selectman Jellen moved to adjourn the March 22 , 2012 Board of Selectman Meeting at 8:35 PM with Selectman O'Connor seconding and all voting in favor.

Respectfully Submitted,
Laura Pettinato, Clerk

Clay Cope

Chris Jellen

Andrea O'Connor